

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

United States of America

V

9:23-cr-80101-AMC

Donald J Trump , et al

/

PROPOSED AMICUS CURIAE BRIEF

INTRODUCTION

Jose A Perez respectfully seeks to proceed as an amicus curiae in the above styled case . Mr. Perez supports the Donald J Trump candidacy and respectfully objects to the Prosecution's interference with Mr. Perez' rights to vote and to election integrity.

The overwhelming evidence will show selective prosecution : (a) The Honorable Ana C Reyes, who is serving as a US District Court Judge in the District of Columbia , found that the Biden Administration Department of Justice is not motivated by Law and Order , i.e. that it has weaponized the DOJ against the Biden Administration opponents¹⁶. (b) Newly release testimony from CIA

¹⁶ <https://www.politico.com/news/2024/04/05/biden-appointed-judge-torches-doj-00150884#:~:text=U.S.%20District%20Judge%20Ana%20Reyes,comply%20with%20the%20House%20subpoenas>

Director Mike Morrell shows that the Biden Administration COERCED him and the Intelligence Agencies to rig the 2020 election (b) The Prosecution is severely conflicted by interest (c) the prosecution is engaged in a sophisticated, elaborate election interference ruse (d) the prosecution is representing Presidential candidate Joseph Biden , the Democratic National Committee, and a cabal of the Administrative State officials and War Profiteers (e) The Prosecution is not representing the United States of America – a sovereign whose obligation is to govern impartially and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. In the instant case the prosecution's modus operandi has been to strike foul blows designed to produce a wrongful conviction BEFORE THE ELECTION. Mr. Perez objects. In support of his motion Mr. Perez respectfully shows that :

I

**THE FIRST AND FOURTEENTH AMENDMENTS
CONFER AN UNCONDITIONAL RIGHT TO PROTECT
THE RIGHTS TO VOTE AND TO ELECTION INTEGRITY**

The US Supreme Court has ruled that qualified citizens¹⁷ , like Mr. Perez , have a fundamental constitutional right to vote and to election integrity¹⁸ and

¹⁷ Voting rights act - §10101.

¹⁸ *Purcell v. Gonzalez* , 549 US 1, 4 (2006)

those rights are protected against federal encroachment by the First Amendment and state infringement by the Fourteenth Amendment¹⁹.

Whenever , as here, the government arbitrarily , whimsically capriciously **interferes with the freedom of a Presidential Candidate it is simultaneously interfering with the freedom of his adherents.**²⁰

The Right of Suffrage in a free and unimpaired manner is preservative of other basic civil and political rights , any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized ²¹.

(b)

**MR. PEREZ' INTEREST IN THE SUBJECT
MATTER OF THE LITIGATION IS DIRECT,
SUBSTANTIAL AND LEGALLY PROTECTABLE**

The US Supreme Court has ruled that qualified citizens²² , like Mr. Perez , have a fundamental constitutional right to vote and to election integrity ²³ and

¹⁹ Williams v Rhodes, 393 US 23, 30-31 (1974) *Burdick v. Takushi*, 504 US 428 , 433, (1992); *Anderson v. Celebreeze*, 460 US 780 , 787-88 (1983)

²⁰ *Wymbs v Republican State Exec. Comm.* , 719 F. 2d 1072, 1084 (11th Cir-1984) citing *Sweezy v New Hampshire* , 354 US 234, 250-251 (1957) ; *US v South Dakota*, 636 F. 2d 241, 245 (8th Cir-1980) ; *Bullock v. Carter*, 405 US 134 , 143 (1972); *Democratic Party of United States v. Wisconsin ex rel. LaFollette*, 450 US 107 , 122 (1981)

²¹ *Smith, et al v Meese, et al* , 821 F. 2d 1484, 1489-90, 1494 (11th Cir-1987) citing *Reynolds v Sims* , 377 us 533, 554 (1964) : *Griffin v Breckenridge*, 403 US 88, 101-102 (1971)

²² Voting rights act - §10101.

²³ *Purcell v. Gonzalez* , 549 US 1, 4 (2006); *Roe v Alabama*, 43 F.3d 574, 580 (11th Cir-1995); *Garza v Aguirre*, 619 F.2d 449 , 452 (5th Cir-1980)

those rights are protected against federal encroachment by the First Amendment and state infringement by the Fourteenth Amendment²⁴.

Whenever , as here, the government arbitrarily , whimsically capriciously **interferes with the freedom of a Presidential Candidate is simultaneously interferes with the freedom of his adherents²⁵**

(c)

**MR. PEREZ' INTERESTS ARE
NOT PROPERLY REPRESENTED BY THE PRESENT LITIGANTS**

Mr. Perez seeks to , inter alia, suggest to the court that it enjoins the present action , and preserve the status quo, so his rights to vote for the candidate of his choice and to election integrity are not transgressed upon. The purpose of preserving the status quo is to maintain the relative positions of the parties until a trial on the merits can be held²⁶. Preservation of the status quo enables the court to render a meaningful decision on the merits²⁷.

²⁴ Williams v Rhodes, 393 US 23, 30-31 (1974) *Burdick v. Takushi*, 504 US 428 , 433, (1992); *Anderson v. Celebreeze*, 460 US 780 , 787-88 (1983)

²⁵ Wymbs v Republican State Exec. Comm. , 719 F. 2d 1072, 1084 (11th Cir-1984) citing *Sweezy v New Hampshire* , 354 US 234, 250-251 (1957) ; *US v South Dakota*, 636 F. 2d 241, 245 (8th Cir-1980) ; *Bullock v. Carter*, 405 US 134 , 143 (1972); *Democratic Party of United States v. Wisconsin ex rel. LaFollette*, 450 US 107 , 122 (1981)

²⁶ *Collum v. Edwards*, 578 F. 2d 110, 113 (5th Cir.1978)

²⁷ *Canal Authority v. Callaway*, 489 F. 2d 567 , 573 (5th Cir.1974).

The US District Court has the authority to enjoin federal prosecutions in order to safeguard Constitutional rights²⁸. The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government²⁹.

The general rule is that a court of equity has no jurisdiction to enjoin a criminal prosecution³⁰. An exception is recognized when, as here, it is necessary for a court of equity to enjoin the enforcement of government activity which is unconstitutional in order to protect Constitutional rights from irreparable damage³¹.

The Supreme Court has held that the inadequate representation requirement "is satisfied if the proposed amicus shows that representation of his interest 'may be' inadequate" and that "the burden of making that showing should be treated as minimal³². Furthermore , even if the interests are similar , it does not mean that approaches to litigation will be the same³³.

II

²⁸ Smith, et al v. Meese, et al , 821 F. 2d 1484, 1489-90 (11th Cir-1987) citing Reynolds v. Sims, 377 US 533, 555 (1964)

²⁹ Ibid

³⁰ In re Sawyer,124 US 200, 210, (1888)

³¹ Joint Anti-Fascist Refugee Committee v McGrath , 341 US 123 (1951)

³² Chiles, et al v Thornburgh , et al , 865 F. 2d 1197 , 1214-15 (11th Cir-1989) citing Trbovich v. United Mine Workers of America, 404 US 528, 538 FN10 (1972) ,

³³ Ibid citing Trbovich, 404 US at 539

**A US DISTRICT JUDGE FOUND THAT
THE DOJ IS WEAPONIZED AGAINST REPUBLICANS**

The Honorable Ana C Reyes, who is serving as a US District Court Judge in the District of Columbia , found that the Biden Administration Department of Justice is not motivated by Law and Order in its actions and that it has weaponized the DOJ against the Biden Administration opponents³⁴

Judge Reyes chastised the DOJ for aggressively prosecuting former President Trump advisor Peter Navarro while refusing to prosecute the Biden Administration officials for the same offenses³⁵.

III

**NEWLY RELEASE EVIDENCE SHOWS THAT THE BIDEN
ADMINISTRATION WILL USE THE WEAPONIZED
ADMINISTRATIVE STATE TO RIG ELECTIONS**

Source House Judiciary Committee Transcripts ³⁶: On or around Oct. 17, 2020, then-senior Biden campaign official Antony Blinken called up former acting CIA director Mike Morell to ask a favor: he needed high-ranking former

³⁴ <https://www.politico.com/news/2024/04/05/biden-appointed-judge-torches-doj-00150884#:~:text=U.S.%20District%20Judge%20Ana%20Reyes,comply%20with%20the%20House%20subpoenas>.

³⁵ Ibid

³⁶ <https://judiciary.house.gov/media/press-releases/new-testimony-reveals-secretary-blinken-and-biden-campaign-behind-infamous>

US intelligence community officials to lie to the American people to save Biden's lagging campaign from a massive brewing scandal.

The problem was that Joe Biden's son, Hunter, had abandoned his laptop at a repair shop and the explosive contents of the computer were leaking out. The details of the Biden family's apparent corruption and the debauchery of the former vice-president's son were being reported by the New York Post, and with the election less than a month away, the Biden campaign needed to kill the story.

So, according to newly-released transcripts of Morell's testimony before the House judiciary Committee, Blinken "triggered" , i.e. **COERCED** Morell to put together a letter for some 50 senior intelligence officials to sign – using their high-level government titles – to claim that the laptop story "had all the hallmarks of a Russian disinformation campaign."

In short, at the Biden campaign's direction Morell launched a covert operation against the American people to undermine the integrity of the 2020 election. A letter signed by dozens of the highest-ranking former CIA, DIA, and NSA officials would surely carry enough weight to bury the Biden laptop story. It worked. Social media outlets prevented any reporting on the laptop from

being posted and the mainstream media could easily ignore the story as it was merely “Russian propaganda.”

IV

THE ATTORNEY GENERAL IS USING LAWFARE FOR A SHAM PROSECUTION AND ELECTION INTERFERENCE

According to Mr. Perez , The best presidential candidate in the November 2024 election is the Honorable Donald J Trump. Prior to running for office President Trump’s criminal record was squeaky clean and no state official was threatening to arbitrarily confiscate his property.

But once President Trump announced he was going to run for the Presidency his opponent, Joseph R Biden declared him an enemy of the state, weaponized the Department of Justice ³⁷ and mobilized his supporters to stop his candidacy by any means necessary³⁸.

The NY Post ³⁹ reports that The White House counsel’s office met with a top aide to Special Counsel Jack Smith just weeks before he brought charges against former President Trump for allegedly mishandling classified documents raising

³⁷ Former US Attorney Harry E Cummins III (The DOJ as presently constituted is so corrupt, so biased against President Trump and Republicans that its actions ought to be disavowed.)

<https://www.kissreport.com/article/743/>

³⁸ DC_Draino on Twitter: "And there it is - he said the quiet part out loud Biden all but confirmed that his team is coordinating these Trump indictments to "stop Trump from taking power again"

https://twitter.com/DC_Draino/status/1642984137765302272?lang=en

³⁹ <https://nypost.com/2023/08/26/biden-staffers-met-with-special-counsel-jack-smiths-aides-before-trump-indictment/>

serious concerns about coordinated legal efforts aimed at President Biden's likely opponent in 2024.

The evidence shows that President Biden bragged about having created "the most extensive and inclusive voter fraud organization in the history of American politics"⁴⁰.

The US Attorney General was predisposed to conduct the unprecedented attack on a former President and leading Republican candidate for the Presidency because President Trump rejected Supreme Court nominee Merrick Garland's nomination to the US Supreme Court⁴¹.

Consequently, President Trump is facing 4 "fake criminal indictments" and two equally void civil actions in which state actors seek to confiscate his property and bankrupt him.

Harvard Law Professor Alan Dershowitz accuses the DOJ and state prosecutors of simultaneously rushing their cases to hurt President Trump's chances of getting re-elected⁴².

In order to disguise the fact that the above styled case is a sham proceeding, President Joseph R. Biden assigned the case to an attorney allegedly employed by

⁴⁰ <https://www.foxnews.com/politics/biden-voter-fraud-organization-video-gaffe>

⁴¹ https://ballotpedia.org/Donald_Trump_presidential_campaign,_2016/Merrick_Garland

⁴² https://www.dailymail.co.uk/news/article-1048373/Alan_Dershowitz_claims_Donald_Trump_s_criminal_trials_will_NOT_begin_before_2024_election-as-Georgia_DA_to_preview_case_ex-president_s_chief_staff_Mark_Meadows_and_17_co-defendants_mini-trial_this_week.html

the “Counterintelligence and Export Control Section – National Security Division.” .

Recently , special counsel Robert K Hur , released his report on the investigation of Joseph R Biden⁴³. He stated therein :

“Our investigation uncovered evidence that President Biden willfully retained and disclosed classified materials after his vice presidency when he was a private citizen. These materials included (1) marked classified documents about military and foreign policy in Afghanistan, and (2) notebooks containing Mr. Biden's handwritten entries about issues of national security and foreign policy implicating sensitive intelligence sources and methods. FBI agents recovered these materials from the garage, offices, and basement den in Mr. Biden's Wilmington, Delaware home.”⁴⁴

But the weaponized Department of Justice has adopted a two-tiered justice system,⁴⁵ Accordingly , Special Counsel Robert K Hur refused to prosecute Mr. Biden . There is no evidence that Attorneys with the “Counterintelligence and Export Control Section – National Security Division.“ issued a dissenting opinion. Their insistence and determination to only Prosecute President Trump is clearly a gargantuan hoax.

⁴³ <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf>

⁴⁴ Ibid page 1

⁴⁵ <https://jasonsmith.house.gov/newsroom/documentsingle.aspx?DocumentID=5032>

The American Civil Liberties Union has accused the Biden Administration of **RETALIATING** against President Trump because , inter alia, the latter criticized the CIA and the intelligence agencies⁴⁶.

Special Counsel , John Durham , recently exposed and emphatically criticized the extent of the vindictiveness demonstrated by the Administrative State: He declared : “ the document that spawned three years of political misery fails to articulate a single justifiable reason for starting the “Crossfire Hurricane” investigation. What this FBI document clearly establishes is that Crossfire Hurricane was an illicit, made-up investigation lacking a shred of justifying predication, sprung from the mind of someone who despised Donald Trump, and then blessed by inexperienced leadership at the highest levels who harbored their own now well-established biases⁴⁷.

According to Mr. Jonathan Turley, a practicing criminal defense attorney and professor at George Washington University, **Special Counsel Jack Smith's primary fight for the last few months has been to secure a trial before the election,**⁴⁸

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⁴⁶ <https://www.aclu.org/news/national-security/do-us-politicians-need-fear-our-intelligence>

⁴⁷ <https://thehill.com/opinion/white-house/499586-new-fbi-document-confirms-the-trump-campaign-was-investigated-without/>

⁴⁸ <https://www.foxnews.com/politics/legal-experts-say-jack-smiths-runway-to-try-trump-before-2024-election-just-got-a-lot-shorter>

THE ESPIONAGE CHARGE AGAINST PRESIDENT TRUMP IS AN ELABORATE ELECTION INTERFERENCE RUSE WHICH TRANSGRESSES UPON MR. PEREZ' RIGHT TO VOTE

Mr. Perez respectfully submits that given the facts identified hereinabove , any claim that President Trump violated the Espionage Act should be subjected to a high degree of skepticism. The Prosecution's actions confirm that in the name of acquiring absolute power megalomaniacs will definitely indict a ham sandwich .

Mr. Perez respectfully submits that the court ought to take judicial notice of the fact that in spite of the Plaintiffs' elaborate scheme to smear President Trump, he was elected to be the Republican Candidate to the 2024 election breaking all kinds of election records in the process.⁴⁹. The Court of public opinion has spoken.

(a)

THE PROSECUTION IS CONTROLLED BY PRESIDENT BIDEN AND THE DEMOCRATS HENCE THEY ARE UNCONSTITUTIONALLY CONFLICTED BY INTEREST

Mr. Perez respectfully emphasizes that his rights to vote and to election integrity are intertwined with President Trump's fate⁵⁰.

⁴⁹ <https://www.cbsnews.com/video/donald-trump-drawing-record-numbers-in-gop-primary-race/>

⁵⁰ Wymbs v Republican State Exec. Comm. , 719 F. 2d 1072, 1084 (11th Cir-1984) citing Sweezy v New Hampshire , 354 US 234, 250-251 (1957) ; US v South Dakota, 636 F. 2d 241, 245 (8th Cir-1980) ; Bullock v. Carter, 405 US 134 , 143 (1972); Democratic Party of United States v. Wisconsin ex rel. LaFollette, 450 US 107 , 122 (1981)

Mr. Perez respectfully moves the Court to take judicial notice of the fact that President Biden and the Democrats – the parties who oppose President Trump – are the parties who presently control the prosecution.

The Due Process Clause of the Fifth Amendment requires that both the prosecution and defense be free to provide robust representation uninhibited by conflicts of interest ⁵¹.

A conflict of interest occurs when a person or entity has competing interests – i.e., is placed in a duplicitous position - that may prevent them from acting impartially or appropriately. In the context of criminal law, this means that someone involved in the legal process may have personal or financial motivations that could bias their decisions⁵²

President Trump is not required to show an actual conflict of interest, all the due process of law requires is showing that there is "a possible conflict of interest or prejudice, however remote . . ." ⁵³ This strict standard is based upon the recognition that, in cases involving a conflict of interest, it is often difficult or

⁵¹ United States v. DeFalco, 644 F.2d 132 , 135-136 (3d Cir. 1979), See also "Hard Strikes and Foul Ones" , 42 Loyola University Chicago Law Review 177 (2010) pp 179-180 citing Berger v United States , 295 US 78, 88 (1935)

⁵² Porter v. United States , 298 F.2d 461, 463 -464 (5th Cir-1962) citing Glasser v US 315 US 60, 70 (1941) . The decisions of the Fifth Circuit handed down prior to the close of business on September 30, 1981, operate as binding precedent in the Eleventh Circuit. Bonner v. City of Prichard, Ala., 661 F. 2d 1206, 1209 (11th Cir. 1981)

⁵³ United States ex rel. Hart v. Davenport, 478 F. 2d 203, 210 , (3d Cir. 1973); Walker v. United States, 422 F. 2d 374, 375 (3d Cir.), cert. denied, 399 U.S. 915, 90 S.Ct. 2219, 26 L.Ed.2d 573 (1970).

impossible to determine whether the defendant has actually been prejudiced by improper representation⁵⁴. In describing the problem at the trial level, the Court, speaking through Chief Justice Burger, has explained that :

“a rule requiring a defendant to show that a conflict of interests . . . prejudiced him in some specific fashion would not be susceptible of intelligent, evenhanded application. . . . [T]he evil — it bears repeating — is in what the advocate finds himself compelled to *refrain* from doing It may be possible in some cases to identify from the record the prejudice resulting from an attorney's failure to undertake certain trial tasks, but even with a record of the sentencing hearing available it would be difficult to judge intelligently the impact of a conflict on the attorney's representation of a client”.

CONCLUSION

Mr. Perez respectfully submits that if the Biden Administration can COERCE the CIA and the Intelligence agencies to perpetrate crimes **DOMESTICALLY**⁵⁵ it can easily COMPEL a motivated Department of

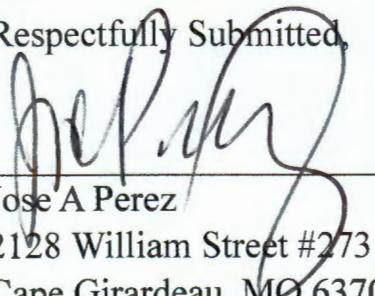
⁵⁴ *Holloway v. Arkansas*, 435 US 475, 490-91 (1978).

⁵⁵ **In its 1947 charter, the CIA was prohibited from spying against Americans because, among other things, President Truman was afraid that it would engage in political abuse.** During World War II, the Office of Strategic Services – the CIA's predecessor – had become known for its skill at blackmail, extortion and the collection of information through other dubious methods. President Truman feared the implications of such behavior during peacetime on America's basic democratic institutions. The policy against military involvement in law enforcement investigations is even more venerable. The Posse Comitatus Act of 1878 forbids military involvement in civilian policing, keeping troops focused on their military mission..

Justice to concoct an “Espionage Act Charge ” in order to win the 2024 Elections.

For the reasons identified hereinabove , Mr. Perez respectfully submits that (1) he ought to be allowed to proceed as amicus (2) the court ought to allow discovery in order to show selective prosecution and (3) in the alternative, Mr. Perez suggests the above styled case ought to be postponed until after the November 2024 Presidential elections in order to eliminate all the conflicts of interest identified hereinabove.

Respectfully Submitted,



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<https://www.aclu.org/press-releases/aclu-warns-against-domestic-spying-role-cia-urges-congress-reject-flawed-bush>

CERTIFICATE OF SERVICE

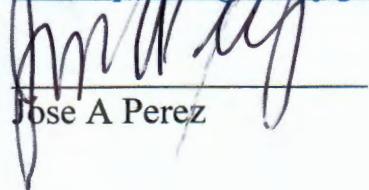
It is hereby certified that a copy of the foregoing was served by emailing a copy thereof, on this 19th Day of March 2024 to :

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